

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES DEPARTMENT OF
LABOR, Elaine L. Chao, Secretary of
Labor,

Plaintiff,

v.

DORE & ASSOCIATES CONTRACTING,
INC.,

Defendant.

8:05CV356

ORDER

This matter is before the court on plaintiff's motion, Filing No. 44, to add a witness to the pretrial order for trial in this case. The defendant objects to this motion. Filing No. 46. The court has carefully reviewed the motion and briefs in support and in opposition. The court finds that plaintiff has attempted to find the witness, Scott Coffman, over the last year and has only recently obtained his address and phone number. The defendant has been on notice for the entire time, until the pretrial conference on December 8, 2006, that plaintiff intended to call the witness at trial. Defendant also opposes any trial deposition of Mr. Coffman prior to trial, and it appears the plaintiff will not request such a deposition. Filing No. 48. The court will permit the plaintiff to add Mr. Coffman as a trial witness, and the court will not authorize a deposition of Mr. Coffman.

IT IS ORDERED that plaintiff's motion to add Mr. Scott Coffman as a witness at trial and so amend the pretrial order, Filing No. 44, is granted.

DATED this 13th day of December, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge